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Tuesday, December 20, 2005

New Zealander challenges Amazon one-click patent

Caveat: As is with every post on this blog, this post is not legal advice. If you want to make, use, sell, offer to sell, challenge, or otherwise legally entangle yourself with Amazon's patent, consult a good patent laywer (I'm not even one of those quite yet either).

Peter Calveley from New Zealand has asked the United States Patent & Trademark Office to re-examine the validity of Amazon's infamous "one-click" patent. One of the claims he is going after is Claim 11 which reads as follows:

> 11. A method for ordering an item using a client system, the method comprising:
>
> displaying information identifying the item and displaying an indication of a single action that is to be performed to order the identified item; and
>
> in response to only the indicated single action being performed, sending to a server system a request to order the identified item
>
> whereby the item is ordered independently of a shopping cart model and the order is fulfilled to complete a purchase of the item.

Calveley has made great use of the Wayback Machine to dig up old documents. Of particular interest is some of the old ecash(tm) documentation from DigiCash. It's of particular interest to me because way back when I worked for six months for DigiCash as a contractor.

Ecash was the first digital cash payment system to be deployed on the web. Ecash deployed cutting-edge cryptography, in particular the blind signature which was one of the earliest patents for what was basically a pure algorithm. I describe blind signatures here.

However, it's not the cryptography that's important here, but how ecash interacted with the web to order a product. The normal cycle of using ecash was as follows:

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Nick Szabo

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(1) Click on a link or button on a web page to place an order with a merchant;

(2) In response to this click the web server would (using a CGI script) start up the "shop" ecash software;

(3) That software would contact the ecash client to request a payment;

(4) The ecash client would pop up a screen to confirm a payment, and finally;

(5) The user would click a button on the pop-up to confirm the order, and the order would be executed (the file delivered, the wager made, or whatever).

This is a "two-click" process. However, ecash had another feature, which I personally only dimly remember, and never associated with the notorious one-click patent until now. But Calveley did make the link and has recovered the documentation for this feature. With this feature the user could alter step 4 to automate the payment. If a user trusted a merchant, he could configure the policy so that step 4 would not launch a pop-up, but would just go ahead and make the requested payment. The result was a one-click ordering process.

The combination of ecash automated payment policy with web ordering, which is at least strongly implied by the documentation Claveley has enearthed and almost surely was actually deployed and used in a one-click manner, reads on Amazon's claim 11 and some associated claims.

Calveley is the first to point out, as far as I know, that the automated payment policy setting of ecash, combined with a single click to order an item (e.g. to download a file or to make a wager), is a very good prior art reference which anticipates the Amazon one-click patent (or at least makes it even more blindingly obvious than we software engineers already thought it was).

If you have personal information or know of further documentation about this feature, or any other product or design prior to 1997 that used one-click ordering, both myself and Peter Claveley are greatly interested in collecting this information.

Also, Claveley's going forward with the re-examination is contingent upon him collecting enough donations to recoup the $2,500 USPTO fee for a patent re-examination. You can donate here.

Posted by Nick Szabo at 7:26 AM

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